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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,108	03/12/2004	Albert A. Monette	MONE-P01	7671
49142	7590	01/31/2006	EXAMINER	
SCHOX PLC 209 N. MAIN STREET #200 ANN ARBOR, MI 48104			MILLER, WILLIAM L	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,108

Applicant(s)

MONETTE ET AL.

Examiner

William L. Miller

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Invention I, claims 1-18, in the reply filed on 12-12-2005 is acknowledged.
2. Claim 19 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-8, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by South (US#6845904).
5. Regarding claim 1, South discloses a mailbox 20 comprising: a body 22 having a first opening at the front end thereof, defining an interior cavity, having an opaque primary section 22a-c which prevents light from entering the cavity, and having a transparent/translucent secondary section 21a that allows light to enter the cavity; a first door 24 allows viewing of the cavity via transparent/translucent panel 21b when closed.
6. Regarding claim 3, the primary section is opaque plastic (col. 3, lines 42-45).
7. Regarding claims 4 and 5, the secondary section can be a translucent plastic material to "substantially" prevent viewing of the cavity (col. 4, lines 45-65).

8. Regarding claims 6 and 7, the secondary section can be a transparent plastic material to “substantially” allow viewing of the cavity (col. 4, lines 41-45).
9. Regarding claim 8, the first door is formed of a transparent plastic material as it includes transparent plastic portion 21b.
10. Regarding claims 12 and 13, the body defines a second opening and a cooperating second door 35.
11. Regarding claims 14 and 15, the second door can be a solid opaque door (Fig. 4A) to prevent viewing of the cavity in the closed position.
12. Regarding claim 16, the second door can be formed of a translucent plastic material via translucent portion 36 (Fig. 4B).
13. Regarding claims 17 and 18, the second door can be formed of a transparent plastic material via transparent portion 36 (Fig. 4B) to allow viewing of the cavity in the open position.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over South.
16. South discloses the primary and secondary sections are separately formed and later joined as opposed to being integrally formed as one unit as claimed by the applicant. However, the applicant is reminded method limitations, such as integrally forming the two sections, are given little patentable weight in an article claim as the patentability of a product does not depend on its

method of production. See MPEP 2113. In any event, there is no criticality to the sections being integrally formed as one unit as evidenced by the applicant's admission on page 3, lines 1-2, of the specification which states the sections "are preferably integrally formed, but may alternatively be separately formed and later joined." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to South by integrally forming the sections as one unit, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

17. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over South in view of Felice et al. (US#2003/0136823).

18. Regarding claim 9, South fails to disclose a privacy door as claimed by the applicant. However, this feature is known in the mailbox art as Felice discloses a mailbox including a transparent panel 90 which is covered via a privacy door 26 [0042] to prevent viewing of the mailbox cavity in the closed position. Therefore, as taught by Felice, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify South by including a privacy door adjacent the first door thereby preventing viewing of the cavity in the closed position thereby enhancing mailbox security.

19. Regarding claim 10, South as modified above discloses the first door and privacy door allowing viewing of the cavity when the first door and privacy door are in the open position.

20. Regarding claim 11, South as modified above discloses preventing access through the first opening when the first door is closed and the privacy door is open.

*Conclusion*

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller  
Primary Examiner  
Art Unit 3677



WLM